

South Africa

Disaster Management Act, 2002

## Department of Social Development: Directions to Prevent and Combat the Spread of COVID-19

Government Notice 993 of 2020

Legislation as at 11 September 2020

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Department of Social Development: Directions to Prevent and Combat the Spread of COVID-19  
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## South Africa

### Disaster Management Act, 2002

## Department of Social Development: Directions to Prevent and Combat the Spread of COVID-19

### Government Notice 993 of 2020

Published in Government Gazette 43710 on 11 September 2020

**Assented to on 11 September 2020**

**Commenced on 11 September 2020**

*[This is the version of this document from 11 September 2020.]*

I, Ms Lindiwe Zulu, MP, the Minister of Social Development, in terms of regulation 4(5)(a), read with regulations 4(10), 4(12) and 58(f), of the Regulations made under section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)) and published in Government Gazette No. 43258, Government Notice No. R480 of 29 April 2020 as amended by Government Notices No. R.608 of 28 May 2020, R. 714 of 25 June 2020, R. 763 of 12 July 2020, R. 846 of 31 July 2020 and R. 891 of 17 August 2020, hereby issue the Directions set out in the Schedule hereto, in order to prevent and combat the spread of the COVID-19.

Ms Lindiwe Zulu, MP

Minister of Social Development

### 1. Definitions

In these Directions, a word or expression bears the meaning assigned to it in the Regulations and legislation applicable to the Department of Social Development, the South African Social Security Agency, and the National Development Agency and unless the context indicates otherwise—

"**child**" means a child from birth up to the age of six (6) years (the calendar year a child turns six), and "children" has the same meaning;

"**Children's Act**" means the Children's Act, 2005 ([Act No. 38 of 2005](#));

"**Department of Health Guidelines**" means the guidelines for symptom monitoring and management of essential workers for COVID-19 related infection, issued by the National Department of Health in April 2020, accessible through the following link:

<https://www.saioh.co.za/news/502409/Guidelines-for-symptom-monitoring-and-management-of-essential-workers-for-COVID-19-related-infection.htm>;

"**Department of Health**" means the national and provincial Departments of Health;

"**designated person**" means a person that is designated or requested by a parent or legal guardian to provide information or act on his or her behalf;

"**ECD programme**" means, with due consideration to the National Integrated Early Childhood Development Policy (2015), the provision of early learning and development opportunities, daily care and support to children, that fall within the provisions of the Children's Act, and includes -

- (a) an ECD centre (section 93(5)(a));
- (b) a child minder;
- (c) a playgroup;
- (d) a toy-library;

- (e) a mobile early childhood development programme; and
- (f) a parental support programme;

"**Minister**" means the Minister responsible for social development;

"**partial care facility**" means a partial care facility that provides an "after school service" as defined in regulation 12(2) of the general regulations regarding children made in terms of section 306 of the Children's Act (published in Government Notice No. R. 261 of 1 April 2010, *Government Gazette* No. 33076);

"**premises**" means the physical location where an early childhood development programme is conducted either on a permanent basis, in the case of a partial care facility, toy library or child minder, or on a temporary basis, in case of a playgroup, mobile early childhood development programme or parent support group, and includes all administrative spaces associated with the programme or being part of the physical location of the programme and outside play, recreation and waiting areas;

"**Regulations**" means the Regulations made in terms of section 27(2) of the Disaster Management Act and published in *Government Gazette* No. 43258, Government Notice No. R.480 of 29 April 2020, as amended by Government Notices No. R. 608 of 28 May 2020, R. 714 of 25 June 2020 of 12 July 2020, R. 846 of 31 July 2020 and R. 891 of 17 August 2020;

"**staff**" unless otherwise indicated, includes an early childhood development educator, early childhood development practitioner, administrative and other support staff, either full time or part time, involved in the operations of the early childhood development programme; and

"**standard operating procedures**" means the standard operating procedures and guidelines for early childhood development programmes on COVID-19 or any amendment thereof published on the Department of Social Development's website.

## 2. Objects

The objects of these directions are to—

- (a) provide for arrangements for a return of children who have attended an ECD programme or a partial care facility immediately prior to the commencement of the lock down to such programme or facility;
- (b) provide for an ECD programme or a partial care facility to comply with the provisions of, and obligations provided for in, the Regulations;
- (c) ensure a uniform approach in respect of the manner in which children may return to ECD programmes or partial care facilities; and
- (d) ensure compliance with Alert level 2 Regulations published in Government Notice No. R891 of 17 August 2020.

## 3. Scope and application

- (1) These Directions apply to all Department of Social Development facilities, centres registered in terms of Department of Social Development legislation and where applicable to—
  - (a) ECD programmes;
  - (b) partial care facilities registered or conditionally registered in terms of section 76 or 80 of the Children's Act, or that are required to be registered in terms of the Children's Act, and that provide an "after school service" as defined in regulation 12(2) of the General Regulations regarding Children made in terms of section 306 of the Children's Act;
  - (c) children who attend an ECD programme or partial care facility; and
  - (d) parents who decide to return a child or children to an ECD programme or partial care facility.

- (2) The provisions of these Directions apply for the duration of the national state of disaster, unless otherwise indicated.

#### **4. Reopening of ECD programmes or partial care facilities**

- (1) An ECD programme may reopen subject to health and safety measures being in place.
- (2) A partial care facility that provides an after-school service may reopen subject to health and safety measures being in place.
- (3) The provisions of subdirections (1) and (2) only apply to an ECD programme or partial care facility that was operational during the month that the national state of disaster was first declared, which is March 2020.
- (4) The principal or manager of an ECD programme or partial care facility must confirm that the ECD programme or facility complies with the minimum health, safety and social distancing measures on COVID-19 by signing the declaration set out in Annexure A.
- (5) An ECD programme or partial care facility that does not comply with the minimum health, safety and social distancing measures on COVID-19, must remain closed or be required to close until all the health, safety and social distancing measures are in place.

#### **5. Conditions for return of children to ECD programme or partial care facility**

- (1) A parent, legal guardian or a person designated by a parent or legal guardian, may, as far as it is practical, return a child to the same ECD programme or partial care facility that the child attended during the month that the national state of disaster was first announced: Provided that such a programme or facility complies with the provisions of direction 4.
- (2) Subject to subdirection (4), a child must be accompanied by a parent or legal guardian, or, if not practically possible, by a person designated by a parent or legal guardian, every day when the child arrives at an ECD programme or a partial care facility and must be screened as provided for in direction 6.
- (3) In the case of a child who is two years or younger and accompanied by a designated person, a parent or legal guardian must provide the designated person with the required information for the purpose of symptom screening in terms of direction 6.
- (4) Where a child arrives at an ECD programme or partial care facility without being accompanied by a person contemplated in subdirection (2) or without any information that may assist with symptom screening, that child must not be refused entry to the ECD programme or partial care facility and the procedure set out in the standard operating procedures must be applied.
- (5) A parent, legal guardian or a person designated by a parent or legal guardian has a right to enquire from the ECD programme or partial care facility about the measures that have been put in place as required in terms of direction 4, before the parent, legal guardian or the person designated by the parent or legal guardian considers returning a child to an ECD programme or partial care facility.
- (6) A child with a known underlying health condition that may place the child at a higher than normal risk category as defined by the Department of Health, may not return to an ECD programme or partial care facility, unless a medical practitioner gives a written authorisation that it is safe for such a child to return to, and participate in, the ECD programme or partial care facility.
- (7) An ECD programme or partial care facility must inform every parent, legal guardian or a person designated by a parent or legal guardian who returns a child to the ECD programme or partial care facility-
  - (a) of the provisions of subdirections (1) to (6);
  - (b) that the return of a child to an ECD programme or partial care facility is voluntary; and

- (c) that a child who returns to the ECD programme or partial care facility will be subjected to a daily screening as contemplated in Direction 6.

## 6. Screening

- (1) An ECD programme or partial care facility must conduct screening in accordance with the Department of Health Guidelines.
- (2) A person who enters the premises where an ECD programme or partial care facility operates, must be screened to ascertain whether such a person has any of the observable symptoms associated with COVID-19 such as fever, cough, sore throat, redness of eyes, shortness of breath or difficulty in breathing.
- (3) A person who has any of the symptoms referred to in subdirection (2) or who experiences additional symptoms such as body aches, loss of smell or loss of taste, nausea, vomiting, diarrhea, fatigue, weakness or tiredness, while at an ECD programme or partial care facility, must immediately report such symptoms to the manager of the centre or facility.
- (4) If a person has or displays the symptoms referred to in subdirections (2) and (3), or informs the manager of the centre or partial care facility of having such symptoms, the manager of the ECD programme or partial care facility must—
  - (a) not permit the person to enter the premises; or
  - (b) where the person concerned is a child, not permit the child to enter the premises, except where the child is not accompanied by a parent or legal guardian in which case the child may enter the premises and must then be dealt with in the same manner as outlined in paragraph (c); or
  - (c) if the person is already on the premises of an ECD programme or partial care facility—
    - (i) immediately isolate the person and require that person to make arrangements, or in the case of a child, advise the parent or guardian, to make arrangements for the child, to be transported from the premises in a manner that does not place any other person or members of the public at risk, in order to either be self-isolated or be taken for a medical examination or testing;
    - (ii) assess the risk of transmission, disinfect the area and any staff member's workstation or area where the child participated in learning activities, refer those persons who may be at risk for screening and take any other appropriate measure to prevent possible transmission; and
    - (iii) inform the parent or legal guardian of a child without delay.
- (5) If a person has been diagnosed with COVID-19 and isolated in accordance with the Department of Health Guidelines, an ECD programme or partial care facility may allow the return of such a person to the ECD programme or partial care facility only if such a person has—
  - (a) undergone a medical evaluation in line with the Regulations; and
  - (b) tested negative for COVID-19 or after a period of 10 days isolation no longer shows any symptoms.
- (6) If, on the advice and direction of the Department of Health, an ECD programme or a partial care facility is directed to close due to the risk of transmission of COVID-19, the ECD programme or partial care facility must close immediately and—
  - (a) inform all parents immediately of such a closure;
  - (b) inform the provincial department of social development in writing of such closure within 24 hours;



- (c) adhere to the conditions and measures prescribed by the Department of Health with regard to the closure and the disinfection of all areas and equipment; and
- (d) only reopen in terms of the health protocols.

## **7. Sanitisers, hand washing, disinfectants and masks**

- (1) An ECD programme or a partial care facility must ensure that there are—
  - (a) easily accessible and sufficient quantities of hand sanitisers at its entrance and inside for use by children and staff members or other persons entering the ECD programme or partial care facility; and
  - (b) facilities for washing of hands with soap and clean water.
- (2) An ECD programme or a partial care facility must take proper measures to ensure that—
  - (a) premises, equipment and furniture are cleaned and disinfected;
  - (b) teaching and learning materials are thoroughly cleaned and disinfected as prescribed in the standard operating procedures; and
  - (c) all areas, such as toilets, common areas, door handles and shared electronic equipment, are regularly cleaned and disinfected.
- (3) An ECD programme or a partial care facility must—
  - (a) provide each staff member with a minimum of two face masks; and
  - (b) require children, subject to subdirection (4), and any other person entering the premises, to wear a face mask or other item that covers the nose and mouth.
- (4)
  - (a) No child aged 24 months or younger may be required to wear a face mask due to the associated risks.
  - (b) A child aged two to five years must be encouraged to wear a face mask to prevent disease transmission, subject to measures set out in the standard operating procedures to guide and support young children with compliance and taking into account the child's age and developmental abilities.
- (5) For the purposes of these directions, a hand sanitiser must be one that contains at least 70% alcohol and complies with the recommendations of the Department of Health.

## **8. Social distancing in an ECD programme or partial care facility**

- (1) An ECD programme or a partial care facility must comply with the social distancing measures prescribed in the Regulations.
- (2) The measures for social distancing may be adjusted in a manner prescribed in the standard operating procedures to accommodate the age and development stage of children attending an ECD programme or a partial care facility.
- (3) An ECD programme or partial care facility must review and adjust its daily programmes and routines in a manner that is supportive towards the implementation of social distancing for children attending an ECD programme or a partial care facility.

## **9. Adjustment to and implementation of early learning curriculum and learning programme**

- (1) An ECD programme and, where applicable, a partial care facility, must adjust and adapt the curriculum and content of the early learning programmes to integrate into the existing learning areas, age appropriate content relating to—
  - (a) COVID-19; and
  - (b) health and hygiene practices.
- (2) The normal daily routines that form part of the early learning programme must be adjusted to accommodate additional hygiene practices and age appropriate learning activities in relation to COVID-19 measures.

## **10. General safety measures at ECD programme or partial care facility for duration of national state of disaster**

- (1) An ECD programme or a partial care facility must keep a record of the following information pertaining to every child that is admitted to the programme or facility:
  - (a) Full names and surname of the child;
  - (b) medical history of the child (if any);
  - (c) date of birth of the child; and
  - (d) information of at least one contactable parent or legal guardian, which must include—
    - (i) full name and surname;
    - (ii) contact telephone number;
    - (iii) relationship with the child;
    - (iv) alternative contact number;
    - (v) physical residential address;
    - (vi) physical work address, if applicable; and
    - (vii) name and contact details of an alternative emergency contact person if the parent or legal guardian cannot be reached.
- (2) An ECD programme or partial care facility must keep an up to date—
  - (a) attendance register of children;
  - (b) attendance register of staff;
  - (c) orientation and training attendance register of staff in relation to the measures set out in these directions;
  - (d) record of the reasons for absenteeism of staff and children;
  - (e) record of daily screening for each child and staff member; and
  - (f) record of the health details of a child which must include health information regarding screening, testing, quarantine, illness and hospitalisation, where applicable, for COVID-19.
- (3) Food and beverages prepared on the premises of an ECD programme or a partial care facility must adhere to standard operating procedures.

## 11. Old Age Homes and Frail Care Facilities

Visits to Old Age Homes and Frail Care Facilities are allowed provided that-

- (a) the visits are planned;
- (b) there is a pre-visit screening call; and
- (c) visitors are subjected to symptom checking and determination of previous known exposure to COVID-19.

## 12. Movement of children between co-holders of parental responsibilities and rights

Movement of children between co-holders of parental responsibilities and rights or a caregiver, as defined in section 1(1) of the Children's Act is permitted.

## 13. Community nutritional centres

Visits by beneficiaries to, gathering, seating and eating in, Community Nutritional centres is allowed, subject to compliance with the following measures;

- (1) Symptom screening
  - (a) Every person visiting the centre must be screened to ascertain whether they have any of the observable symptoms associated with COVID-19, namely fever, cough, sore throat, redness of eyes or shortness of breath or difficulty in breathing;
  - (b) A person may not be allowed to enter the premises if such a person presents with symptoms outlined in paragraph (a).
- (2) Social distancing

A person in charge of the facility or centre must ensure that-

  - (a) minimal contact between persons is maintained;
  - (b) there is a minimum of one and a half metres between persons; and
  - (c) there is adherence to the Health Protocols.
- (3) Personal protection
  - (a) The wearing of a facemask or other item that covers the nose and mouth is compulsory for the duration of any visit to the premises.
  - (b) A person in charge of the premises must ensure that hand sanitiser, disinfectants and facilities to wash hands with water and soap are available and that the hand sanitiser has at least 70% alcohol content, or is a generic alternative and is in accordance with the recommendations of the Department of Health.
  - (c) Surfaces and equipment must be cleaned before, during and after every visit.
  - (d) Areas such as toilets, common areas and door handles must be regularly cleaned.
- (4) Health protocols for facilities or centres
  - (a) A person in charge of the premises must ensure that seating arrangements, where applicable, are compliant with social distancing norms.
  - (b) A person in charge of the centre must keep a register which must be archived for a period of not less than a month with the following details of every person visiting:
    - (i) Full names;

- (ii) residential address; and
- (iii) contact number.
- (c) Where physical contact with an object is required, such object must be sanitised before contact by another person.
- (d) Persons over the age of 60 years and people with comorbidities must be encouraged not to visit.

#### 14. Withdrawal of Directions

The Directions published in Government Notice No.762 of 10 July 2020 are hereby withdrawn.

#### 15. Commencement

These Directions come into effect on the date of publication in the *Government Gazette*.

### Annexure A

#### *Department of Social Development*

#### ***Declaration Confirming compliance of an early childhood development programme or partial care facility***

*(To be completed and signed by the principal or manager)*

I, \_\_\_\_\_ (Name and surname), the principal / manager (*delete whichever is not applicable*), of \_\_\_\_\_ (name of early childhood development programme or partial care facility), hereby declare that the early childhood development programme or partial care facility (*delete whichever is not applicable*) has complied with the health, safety and social distancing measures for COVID-19, set out in Directions issued by the Minister of Social Development, the Department of Social Development's Standard Operating Procedures and Guidelines, as well as the Regulations made in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)).

I further acknowledge that it is the responsibility of the principal /manager to take all reasonable steps to comply with the health, safety and social distancing measures for COVID-19, set out in Directions issued by the Minister of Social Development, the Department of Social Development's Standard Operating Procedures and Guidelines, as well as the Regulations made in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)).

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Principal/ manager or or delegated person issuing

\_\_\_\_\_  
Witness

*Official stamp*

In the case where there is no official stamp, another person needs to co-sign in this space.